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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,581	05/30/2001	Koki Uchiyama	CA1073	9236
23493	7590	08/04/2005	EXAMINER	
SUGHRUE MION, PLLC 401 Castro Street, Ste 220 Mountain View, CA 94041-2007			LE, MIRANDA	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/870,581	UCHIYAMA, KOKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Miranda Le	2167	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 7-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 7-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/15/04 has been entered.

### ***Claim Objections***

2. Claim 12 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 12. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

This communication is responsive to Amendment filed 12/15/2004.

3. Claims 1-2, 7-22 are pending in this application. Claims 1, 2, 21, 22 are independent claims. In the Amendment, claims 1-2 have been amended, claims 7-22 have been added, claims 3-6 have been cancelled. This action is made non-Final.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2167

A person shall be entitled to a patent unless:

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 7-18, 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by

Blaser et al. (US Patent No. 6,757,661 B1).

Blaser anticipated independent claims 1, 2, 3, 4, 5, 6, by the following:

**As to claims 1, 21,** Blaser teaches a method of retrieving information from one or more information sources in a search space, said method comprising: providing central program code at a central computer; said central program code being adapted for maintaining a central database of data records (OSP Server 130, Figs. 1, 2), for accessing information from said information sources (web Server 150, Figs. 1, 2), and for comparing said data records with said information from said information sources (col. 5, line 49 to col. 6, line 28);

recognizing communication between said central program code and remote program code (client 100) at at least one of remote terminal (col. 5, line 49 to col. 6, line 28);

said remote program code being adapted for monitoring user activity at each of said plurality of remote terminals, for collecting monitored data related to said network activity, and for transmitting said monitored data to said central program code (col. 5, line 49 to col. 6, line 41, col. 9, lines 41-65, Figs. 1, 2);

supplementing, at said central computer, said data records in accordance with said monitored data to provide an augmented central database (col. 6, lines 28-56, col. 9, lines 19-65);

responsive to a request for information from said at least one user (user sends request to server 150), identifying candidate response information from said information sources at said central computer (col. 9, lines 3-65);

comparing contents of said augmented central database (OSP server 130 determines which targeted data needs to send to client) with said request and with said candidate response information at said central computer (col. 9, lines 19-65);

and as a result of said identifying and said comparing, transmitting, to said remote program code at said at least one remote terminal, data concerning one or more of said information sources which contain information relevant (Advertisement Information) to said request so as to progressively tailor information retrieval results (the display of advertisements that are dynamically targeted toward the user based upon the user's demographic profile, col. 10, lines 32-37) for said at least one user and provide said information retrieval results to said at least one user (col. 9, line 66 to col. 10, line 48, Fig. 5, step 540).

**As to claims 2, 22,** Blaser teaches an information retrieval system for accumulation and retrieval of data related to one or more information sources in a search space, said system comprising: remote program code at at least one remote terminal (client 100, Fig. 1, col. 5, line 49 to col. 6, line 4);

said remote program code being adapted for monitoring user activity at least one user, for collecting monitored data related to said user activity and to each of said information sources

Art Unit: 2167

accessed by said at least one, and for transmitting said monitored data (receives an ad play list, col. 5, line 49 to col. 6, line 4, col. 10, lines 32-63, Figs. 1, 2);

and a central computer having central program code (OSP Server 130, Figs. 1, 2) receiving said monitored data transmitted from said remote program code (col. 9, line 19 to col. 10, line 28);

said central program code being adapted for maintaining a central database of data records and for accessing information from said information sources, and for comparing said data records with said information from said information sources (col. 5, line 49 to col. 6, line 41, col. 9, line 19 to col. 10, line 28);

wherein said central computer program code supplements said data records in accordance with said monitored data to provide an augmented central database (col. 9, line 19 to col. 10, line 28);

said central computer identifying candidate response information from said information sources in response to a request for information from said at least one user (col. 9, line 19 to col. 10, line 28), comparing contents of said augmented central database with said request and with said candidate response information (col. 9, line 19 to col. 10, line 28), and transmitting, to said remote program at said at least one of said plurality of remote terminals, data concerning one or more of said information sources which contain information relevant to said request so as to progressively tailor information retrieval results for at least one user and provide said information retrieval results to said at least one user (col. 6, lines 5-65, col. 10, line 14 to col. 11, line 15).

**As to claims 7, 13,** Blaser teaches wherein said monitored data comprises implicit data, including data selected from the group consisting of queries (the client application 100 sends feedback information respecting these request and data accesses to the OSP Server 130) and actions taken after receiving responses to said queries (col. 9, lines 41-65), said implicit data being added iteratively to said central database to form said augmented central database so as to progressively tailor information retrieval results for said at least one user based on said implicit data (col. 9, lines 41-65, col. 10, lines 14-48)

**As to claims 8, 9, 14, 15,** Blaser teaches wherein said monitored data comprises explicit data including user input in response to one or more queries from said central computer (col. 6, lines 41-55), said user input including data selected from the group consisting of user profile information and user feedback concerning information retrieval results (col. 6, lines 41-55), said explicit data being added iteratively to said central database to form said augmented central database so as to progressively tailor information retrieval results for said at least one user based on said explicit data (col. 6, lines 41-55).

**As to claims 10, 16,** Blaser teaches said remote program code is adapted for monitoring user activity of a plurality of users at a respective plurality of remote terminals (col. 6, lines 5-65), for collecting said monitored data related to said user activity and to each of said information sources accessed by said plurality of remote terminals (col. 6, lines 5-65), and for transmitting said monitored data to said central program code (col. 6, lines 5-65);

said supplementing comprises supplementing said data records based on said user activity

Art Unit: 2167

at said plurality of remote terminals to provide said augmented central database (col. 6, lines 5-65); and

said transmitting to said remote program code comprises progressively tailoring said information retrieval results for said at least one user based on said user activity at said plurality of remote terminals (col. 6, lines 5-65).

**As to claims 11, 17,** Blaser teaches said monitored data includes a plurality of user profiles, and wherein said central computer groups contents of said augmented central database based on said user profiles so as to tailor said information retrieval results for said at least one user based on one or more user profiles most closely matching a user profile of said at least one user (col. 6, lines 5-65).

**As to claims 12, 18,** Blaser teaches said information retrieval results include an identity of at least one other user with whom said at least one user then can communicate to obtain further information (col. 6, lines 5-65, col. 7, lines 21-34).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blaser et al. (US Patent No 6,757,661 B1), as applied to claims above, in view of Philyaw et al. (US Patent No. 6,836,799 B1).

Blaser does not expressly teach “said search space comprises the Internet and media programming comprising at least one of television programming and radio programming, so that said at least one user can access said media programming as a result of said information retrieval results”. However, Philyaw teaches this limitation at col. 4, lines 34-58, Fig. 1 (i.e. TV program 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Blaser with the teachings of Philyaw to include “said search space comprises the Internet and media programming comprising at least one of television programming and radio programming, so that said at least one user can access said media programming as a result of said information retrieval results” because it would allow a television signal to trigger a computer response in which the consumer will be guided to a personalized

Art Unit: 2167

web page and therefore, provide the consumer with the capability of responding to a wide variety of companies using this technology.

***Response to Arguments***

8. Applicant's arguments regarding the amended claims distinguish more clearly over Chaddha, with respect to claims 1-2, 7-22, have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (571) 272-4107. The fax number to this Art Unit is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Miranda Le  
April 05, 2005



CHETA ROBINSON  
PRIMARY EXAMINER